

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

EDMOND LAFRANCE,

Defendant.

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Criminal No.16-cr-10090-IT

ORDER & MODIFICATION OF CONDITIONS OF RELEASE

September 19, 2016

TALWANI, D.J.

Having received no objection, the court hereby modifies Section 8(x)(1) of the Order

Setting Conditions of Release consistent with the parties' joint proposal as follows:

The defendant may use one laptop or desktop computer and one smartphone device for the purpose of accessing the Internet and sending and receiving e-mail and text messages. He may use a web-based e-mail service and a web-based text-messaging service that preserves messages. Before using any such service, he will provide the name of the URL of the service, screen user name, account and password to his supervising probation officer.

The defendant's supervising probation officer may search the defendant's laptop or desktop computer, smartphone device or approved web-based service at any time to ensure compliance with the conditions of release and may request that the devices be brought to his office for that purpose. In order to facilitate the supervising probation officer's review of the laptop or desktop computer and smartphone, the defendant will provide his supervising probation officer all credentials needed to access the devices and any software programs, including login information, user names and passwords for any e-mail accounts or text-messaging accounts which he uses.

The defendant's supervising probation officer may examine any e-mail messages or text messages created after the date of this Order, other than ones sent to or received from one of his attorneys. The supervising probation officer will take reasonable care to avoid reviewing or examining any information that may be protected from disclosure by the attorney-client privilege or the attorney work product doctrine. The supervising probation officer shall not disclose the contents

of e-mails, text messages, or other files or information he examines to individuals outside U.S. Probation and Pretrial Services unless he determines the contents may evidence violations of criminal law or the defendant's conditions of release.

The supervising probation officer should only review or search Defendant's devices, e-mail or text-messaging accounts in Defendant's presence. Upon notice from the supervising probation officer that examination is sought, Defendant shall immediately, and without exception, cease all use of, or access to, e-mail, the internet, and text-messaging until such review or search is conducted.

The defendant shall not communicate with anyone outside of the United States without prior approval of his supervising probation officer.

The parties having resolved the issues by agreement and without objection, Defendant's

Motion to Modify Conditions of Release [#42], is denied without prejudice.

IT IS SO ORDERED.

Date: September 19, 2016

/s/ Indira Talwani
United States District Court